



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Confirmation No. 6311

GRASS et al.

Art Unit: 1631

Serial No: 09/786,361

Examiner: John S. BRUSCA

Filed: July 26, 2001

Attorney Dkt. No.: 109904-00015

For: PHARMACOKINETIC-BASED DRUG DESIGN TOOL AND METHOD

TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **LION BIOSCIENCE AG**, having its place of business at Heidelberg, Germany, represents that it is the assignee and owner of all right, title and interest in and to U. S. Patent Application Serial No. **09/786,361**, filed July 26, 2001, for **PHARMACOKINETIC-BASED DRUG DESIGN TOOL AND METHOD**, the Assignments for the application being recorded in the Patent and Trademark Office on June 26, 2001, at Reel 011990, Frame 0458 and on November 15, 2001, at Reel 012308, Frame 0033.


Petitioner is also the assignee of all right, title, and interest in and to U. S. Patent No. **6,542,858 B1**, issued April 1, 2003, for **PHARMACOKINETIC-BASED DRUG DESIGN TOOL AND METHOD**, the Assignments for the patent being recorded in the Patent and Trademark Office on March 27, 2001, at Reel 011681, Frame 0439 and on September 13, 2001, at Reel 012153, Frame 0844.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. **09/786,361**, which would extend beyond the expiration date of United States Patent No. **6,542,858 B1** issued November 11, 2003, and hereby agrees that any patent so granted on application Serial No. **09/786,361**, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to United States Patent No. **6,542,858 B1**, this agreement to run with any patent granted on the application, Serial No. **09/786,361**, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. **6,542,858 B1** in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, **LION BIOSCIENCE AG**, hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

Respectfully submitted,
LION BIOSCIENCE AG


By: _____
Rustan J. Hill
Attorney of Record
Registration No. 37,351

Date: February 14, 2005